

Education Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

704 KAR 3:390. Extended school services.

RELATES TO: KRS 158.070, 158.6459

STATUTORY AUTHORITY: KRS 156.070, 158.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.070(8) requires schools to

provide continuing education [~~beyond the minimum school term~~] for students who [~~in~~]

need additional instructional time to achieve the outcomes defined in KRS 158.6451. [~~of~~

~~extended services and~~] KRS 158.070 requires the Kentucky Board of Education to

promulgate administrative regulations establishing criteria for the allotment of grants to

local school districts to provide these services and for waivers to deliver those services

during the regular school day. [~~KRS 158.070(8) also requires the Kentucky Board of~~

~~Education to establish criteria for waivers by which programs may be scheduled on a~~

~~limited basis during the regular school day.~~] This administrative regulation establishes

requirements for extended school services [~~; regardless of when during the school day or~~

~~calendar they are delivered~~].

Section 1. Definitions. (1) " Diagnostic Assessment," which may also be called

"formative or interim/benchmark assessment," means assessment that is used to identify

gaps in student learning in specific content areas.

(2) "Extended school services" or "ESS" means instructional and support services provided:

(a) By school districts for students who are unlikely to achieve proficiency, transition to the next level of learning successfully, or be able to meet the ~~[need additional time to achieve]~~ academic expectations in 703 KAR 4:060 without additional time or differentiated opportunity to learn; [and]

(b) At times separate from the regular school day, regular school week, or the minimum school term unless a district's request for a waiver meets the criteria established in Section 7 of this administrative regulation and has been approved by the Commissioner of Education; and

(c) As interventions included in the student's intervention plan, in primary through grade 5, or in the student's Individual Learning Plan, in grades six through 12, to ensure that the student remains in school and is on track to meet goals for postsecondary education and career after high school.

(3) "Formative assessment" means the process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended learning outcomes.

(4) "Individual Learning Plan" means a plan to help students (grades 6-12) better focus their coursework on individual goals as they prepare for postsecondary studies and careers.

(5) “Interim or Benchmark assessments” means assessments that are administered at the school or district level at prescribed intervals and aimed at collecting student instructional data.

(6) “Summative assessment” means tests given at end of instruction to determine what was learned.

(7) “Support services” means non-instructional components of a program that:

(a) Are provided to enable the student to realize the benefits of the instructional program; and

(b) May include transportation, instructional materials or supplies, student snacks, school-based counseling, community-based mentoring, academic advising, parent training for follow through, or referrals for social, health or financial assistance through appropriate service agencies.

Section 2. Instructional Program. (1) The major emphasis of extended school services shall be to provide additional time and differentiated opportunity to learn in which rigorous academic and enrichment content are aligned with individual student needs to improve ~~[(a) To enhance]~~ the present level of performance ~~[of students who are having difficulty]~~ in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at academic risk with the specific objective that students are able to:

(a) ~~[(b)]~~ Progress from grade to grade with their cohort;

(b) Exit elementary school ready to meet academic expectations at the middle school level;

(c) Exit middle school ready to meet academic expectations at the high school level; and

1 (d) Exit high school ready to meet academic expectations of postsecondary education and
2 the workplace, with particular emphasis on literacy and mathematics. [To provide extended
3 programming for students who have been retained or who are at risk of being retained in a
4 class or grade or of failing to graduate on time or dropping out without additional
5 assistance; and

6 ~~(e) To close the achievement gap of low-performing students so that the students will~~
7 ~~perform successfully in the instructional program appropriate to their age ranges].~~

8 (2) The extended school services provided to a student shall be planned, documented and
9 evaluated through the intervention plan, at primary through grade 5, or in the student's
10 Individual Learning Plan, in grades six through 12. The instructional program for
11 extended school services shall include:

12 (a) diagnostic assessments to determine areas of highest academic need of the individual
13 student; [A method to assess the priority educational needs of each individual student and
14 to determine the academic expectations to be exhibited by the student at the end of the
15 program;]

16 (b) development of goals, in consultation with classroom teachers, for eliminating the
17 identified academic need, including timelines and specific measurable outcomes;

18 (c) formative and summative assessments to facilitate student progress and to determine
19 when the student has achieved the learning goals of the intervention plan;

20 (d) instructional strategies that are varied and that do not replicate practices that have
21 proven to be ineffective for the student in the traditional classroom;

22 (e) a plan for collaboration and consistent use of interventions among the teachers

supporting the student in core academic classes and those providing supports through
extended school services;

(f) counseling and academic advising to remove barriers to achievement; and,

(g) regular communication with the parent or guardian. [An appropriate educational
program designed for the individual student which assists the student in mastering the
academic expectations within the timelines specified by the program;

~~(c) An ongoing method of informal and formal assessment to document the student's
progress toward mastery of the academic expectations;~~

~~(d) A schedule of services which shall be of the duration and regularity necessary to allow
mastery of the academic expectations within a reasonable and projected timeline;~~

~~(e) Teaching techniques that provide support and continuity relative to the regular school
program; and~~

~~(f) Varied instructional approaches which may include:~~

~~1. Tutorial instruction;~~

~~2. A modified approach to reteaching to ensure needs of the individual students are met;~~

~~3. Diagnostic or prescriptive services;~~

~~4. Computer-assisted instruction; or~~

~~5. Counseling if needed to assist the student in overcoming social or behavioral problems
which interfere with the student's academic success.]~~

(3) The instructional program may utilize a variety of scheduling models including:

(a) Programs operated during the regular school day as provided in Section 7;

(b) [(a)] Extended day programs which are scheduled any time outside of the regular school
day [and which may include a night program];

1 (c) Night programs;

2 (d) [(b)] Saturday programs [which operate for a full or half day over a specified period of
3 time];

4 (e) [(e)] Summer programs [which operate a full or half day during the months of June,
5 July or August]; or

6 (f) [(d)] Flexible school calendars which allow eligible students to attend school for a
7 longer period of time than other students. [; or]

8 [(e) Programs operated during the regular school day as approved by the Commissioner
9 of Education and that meet the criteria provided in Section 7 of this administrative
10 regulation.]

11 (4) The district's comprehensive school improvement plan shall include examination of
12 opportunities to utilize partnerships with businesses, colleges and community
13 organizations to provide supplemental instructional services and advising in non-school
14 locations as part of or aligned with the extended school services programs.

15 (5) [(4)] Extended school services programs shall not supplant [replace or substitute for
16 the] instructional time of the regular program, but shall extend time and provide
17 differentiated opportunity to learn [provide additional instructional time] in a [targeted
18 content area and] specific area of academic need.

19 (6) [(5)] Certified staff, including administrators, teachers and advisors, shall [provide]
20 plan, deliver and evaluate extended school services instruction and supports in
21 collaboration as a part of a student's Individual Learning Plan [or regularly supervise a
22 noncertified tutor including a peer tutor].

~~(7) [(6)]~~ Teachers providing instruction in extended school programs ~~[which are offered for academic credit for purposes of promotion or graduation]~~ shall meet the same professional qualifications as teachers who are employed in the regular school program.

(8) Teachers providing instruction in extended school programs shall be provided with professional development on effective instructional strategies for meeting the needs of at-risk students and use of formative assessment strategies to monitor progress.

(9) Certified staff shall supervise noncertified tutors.

~~(10) [(7)]~~ Extended school services shall be provided to eligible students who are in the first year of the primary school program through the twelfth grade. Students shall be eligible to receive these services until they graduate from the twelfth grade or become twenty one (21) years of age, whichever comes first.

Section 3. Student Selection. ~~[Selection of pupils to receive extended school services shall be as follows:]~~

(1) Each school district shall select pupils as described in Section 2(1) of this administrative regulation who need additional instructional time ~~[to attain academic expectations]~~. A student shall not be selected or assigned to receive extended school services for disciplinary purposes or for any kind of in-school suspension. The needs of students in A5 and A6 programs, which are defined in 703 KAR 5:001, shall be considered in the selection process.

(2) ~~[(a)]~~ Within its scope of authority, a local board of education or school council may mandate the participation of eligible students to extended school services through the adoption of a written policy which shall describe all conditions under which attendance will be required and shall provide a description of any exceptions permissible under the policy.

- 1 ~~(3)~~ ~~[(b)]~~ Conditions for attendance for extended school services shall ~~[may]~~ include:
- 2 ~~[1. The characteristics of the students who will be required to attend;~~
- 3 ~~2. A description of the criteria by which they may exit the extended school program or may~~
- 4 ~~no longer be required to attend;]~~
- 5 (a) identification of the learning goals and benchmarks that, when achieved, indicate that
- 6 the student may exit the extended school services program;
- 7 (b) [3.] the conditions under which a targeted student may be excused from attendance; and
- 8 ~~[or]~~
- 9 (c) [4.] The arrangements for transporting the students mandated to attend.
- 10 ~~(4)~~ ~~[(e)]~~ The local school board shall provide notice of the policy in the district's annual
- 11 extended school services program report which is submitted at the same time as the
- 12 district's comprehensive school improvement plan.
- 13 ~~[(3) In assessing a student's need for extended school services, the schools shall consider~~
- 14 ~~the student's performance in:~~
- 15 ~~(a) Academic skill areas for a single subject or single class, application of those skills to~~
- 16 ~~everyday life situations, and integration of skills and experiences to acquire new~~
- 17 ~~information;~~
- 18 ~~(b) School attendance if it negatively affects academic performance;~~
- 19 ~~(c) Patterns of promotion or retention;~~
- 20 ~~(d) Physical and mental readiness for learning; and~~
- 21 ~~(e) If applicable, readiness for transition to work, postsecondary education or the military.]~~

1 ~~(5)~~ [(4)] The following ~~[methods of documentation]~~ shall be used to determine ~~[verify]~~
2 which students shall be determined eligible and in greatest need of extended school
3 services:

4 (a) Teacher recommendation; ~~[Teacher recommendation based upon classroom observation~~
5 ~~and anecdotal records or parent recommendation;]~~

6 (b) Academic performance data, including diagnostic, formative or interim and benchmark
7 assessments, and summative assessments; ~~[based upon analysis of student work and formal~~
8 ~~and informal measurements of progress; or]~~

9 (c) Student performance on high school, college and workforce readiness assessments
10 required by KRS 158.6459; and, [or]

11 ~~(d)~~ [(e)] behavioral and developmental progress as documented in formal and informal
12 assessments and reports.

13 ~~(6)~~ [(5)] Local school boards shall approve and disseminate procedures whereby pupils
14 who have a greater need as determined by the eligibility criteria shall be referred and
15 selected first to receive extended school services. These procedures shall not exclude
16 students who have greater academic need from referral or selection for extended school
17 services due to the inability of the parent or student to provide transportation.

18 (7) A local school district shall solicit input from parents and the community to identify
19 potential barriers to participation and to remove them through engagement with community
20 partners or co-location of after-school, weekend or evening services.

21 ~~(8)~~ [(6)] Schools shall inform parents and guardians of extended school services ~~[which~~
22 ~~will be offered in the school setting]~~ including:

(a) The rationale for offering extended school services, including data about educational achievement and future earnings, opportunities for postsecondary education and training, and consequences of failure to achieve the high school diploma;

~~[A general notification which describes the nature of the services to be offered including the opportunities for maintenance of performance, prevention of failure and reduction of academic deficiencies;]~~

(b) A specific notification to parents or guardians of their child's eligibility to receive or assignment to extended school services, including the manner in which a personalized intervention plan and goals will be included as part of the student's Individual Learning Plan to help ensure that the student is able to achieve the student's academic and career goals ~~[A school shall maintain documentation of continuing and appropriate efforts to~~

~~gain parental approval and support for students to attend the program offered outside of the school day]; and~~

(c) Written procedures for parents or guardians to request reconsideration of their children's identification or lack of identification of eligibility for extended school services ~~[outside of the school day].~~

Section 4. Funding. (1) A ~~[Each]~~ school district shall be eligible to receive a grant award from available funds to provide extended school services. ~~[Available funds shall be the amount of the total appropriation less two (2) percent for state administrative costs.]~~

(2) The commissioner of education shall determine the amount of the grant award for which each school district is eligible based upon the following division of funds:

(a) One-half (1/2) of the available ~~[total]~~ funds shall be distributed based on the most current average daily attendance (ADA);

(b) One-fourth (1/4) [~~One-sixth (1/6)~~] of the available [~~total~~] funds shall be distributed

based on the most current rates of economic deprivation (ED); and

(c) [~~One-sixth (1/6) of the total funds shall be distributed based on the most current dropout~~

~~rates (DR); and~~

(d) One-fourth (1/4) [~~One-sixth (1/6)~~] of the available [~~total~~] funds shall be distributed

based on the most current CATS Accountability [~~Academic~~] Indices (AI).

(3) Actual district allocations shall be calculated as follows:

(a) Determine the state total for ADA by summing the ADA for all districts;

(b) Determine the percentage each district shall receive for ADA by dividing the district's

ADA by the state total ADA. The resulting percentage (%) multiplied times the total funds

available for average daily attendance equals the amount the district shall receive for ADA;

(c) State totals for ED and AI [~~, and DR~~] shall be calculated as follows:

1. The state total for ED shall be the sum of all districts' ED quotients. Each district's ED

quotient shall be calculated by multiplying the district's ED times the district's ADA;

2. The state total for AI shall be the sum of all districts' AI quotients. Each district's AI

quotient shall be calculated by subtracting the AI from 100 and then multiplying the

difference by the district's ADA; [~~and~~

~~3. The state total for DR shall be the sum of all district's DR quotients. Each district's DR~~

~~quotient shall be calculated by multiplying the district's DR times the district's ADA;]~~

(d) Determine the percentage each district shall receive for ED by multiplying the district's

ED times the district's ADA and divide the result by the state's total ED, as determined by

paragraph (c) 1 of this subsection. The resulting percentage (%) multiplied times the total

funds available for economic deprivation shall equal the amount the district shall receive for ED;

(e) Determine the percentage each district shall receive for AI by multiplying the district's AI times the district's ADA and divide the result by the state's total AI as determined by paragraph (c) 2 of this subsection. The resulting percentage (%) multiplied times the total funds available for academic indices shall equal the amount the district shall receive for AI; and

~~(f) [Determine the percentage each district shall receive for DR by multiplying the district's DR times the district's ADA and divide the result by the state's total DR as determined by paragraph (c) 3 of this subsection. The resulting percentage (%) times the total funds available for dropout rate shall equal the amount the district shall receive for DR; and~~

~~(g)]~~ Sum the district's portions for ADA, ED, and AI [~~and DR~~] to determine the district's total ESS allocation.

(4) To ensure the opportunity for all school districts to provide effective extended school services of adequate size and scope, a school district shall not receive a grant of less than \$15,000.

(5) Grant awards shall be made to each school district upon approval by the commissioner of education of an application as prescribed in Section 5 of this administrative regulation.

Regular grant funds shall be available for use by school districts for fifteen (15) months through September 30 of the last year of the grant period. All services shall be delivered by September 30 of the last year of the grant period and all expenditures shall be paid for extended school services by December 30 of the last year of the grant period.

- 1 (6) Funds received for extended school services shall be expended for instructional and
2 support services necessary to provide an effective program.
- 3 (b) These services shall include salaries of personnel.
- 4 (c) Transportation and staff development related to the provision of extended school
5 services shall be permissible support services. Support may include expenditures for field
6 trips which shall not exceed two (2) percent of the district's allocation for students served
7 by the extended school services program.
- 8 (d) Funds for extended school services shall not be used for capital outlay or indirect costs.
- 9 (e) School districts shall be authorized to enter into contractual arrangements if needed to
10 provide comprehensive extended school service programs.
- 11 (f) The funds may be expended for instructional materials and supplies if a need is
12 demonstrated and the district does not have the supplies and materials available.
- 13 (g) Part of these funds may be used for up to three (3) percent of the district's allocation
14 for operation of plant for a summer extended school services program which shall be
15 prorated if other programs are taking place at the same time and place.
- 16 (h) Part of these funds may be used for administrative costs which shall not exceed five
17 (5) percent of the district's allocation.
- 18 (i) Students shall not receive monetary compensation to attend the extended school
19 services program.
- 20 (j) School districts shall have on file written criteria for the selection of personnel
21 employed in extended school services and ensure staffing decisions are made to best meet
22 the needs of students.

(7) Financial records for extended school services shall be maintained by each school district and shall be submitted to the Department of Education via the state technology system.

Section 5. Requesting Funds. (1) The request for the use of extended school services funds shall be submitted as part of the comprehensive district's improvement plan.

(2) (a) District applications for funds shall be approved by the commissioner of education prior to the encumbrance or expenditure of funds for extended school services by any school district, including the contracting for personnel for extended school services.

(b) Approval of programs as described in each district's comprehensive improvement plan, required program reports, and request for a waiver for alternative service delivery shall be based on this administrative regulation and KRS 158.070.

Section 6. Program Evaluation. School districts providing extended school services shall submit to the Department of Education:

(1) Student data through the student information system and the Individual Learning Plan [STI Program] at the end of the regular school term and any summer term in which funds are expended for extended school services;

(2) ~~[a separate written evaluation]~~ Evaluation and evaluative data as approved in the waiver application, if the school district receives approval to implement extended school services during the regular school day; and

(3) ~~[Comparative data]~~ Data relative to the ~~[regular extended school service program and the daytime extended school service program including:]~~ effectiveness of the extended school services program, including:

(a) Pre- and post student qualitative and quantitative performance data;

(b) Student attendance at extended school services; and

(c) Promotion and graduation data [~~resulting from participation in extended school services.~~].

Section 7. Waiver for Alternative Service Delivery. The commissioner of education may consider a request for a waiver, as part of the district or school's improvement plan, to operate a program during the school day or to use an alternative delivery format. A waiver request [~~for waiver~~] shall align with the identified goals and objectives of the district or school's improvement plan and submitted by the district ESS coordinator. A waiver request shall include:

(1) A rationale describing why a daytime program is needed [~~in addition to the regular extended school services program, including specific data and documentation of previous efforts to serve individual students during the regular extended school program~~];

(2) A description of the instructional program that meets the criteria established in Section 2 of this administrative regulation [~~and includes a schedule that ensures each participating student receives additional instructional time during the school day without missing instruction in the same or other assessed content area. The regular program teacher in collaboration with the teacher delivering extended school services shall set measurable goals and objectives for student and teacher performance, including formal and informal assessments that extend beyond classroom grades and CATS scores~~];

(3) A description of the student selection process that meets the criteria in Sections 2 and 3 of this administrative regulation; and

(4) Detailed, accurate budget using correct MUNIS codes. A person compensated with ESS funds shall devote his or her time to delivering ESS services during the time period for which he or she is being compensated with ESS funds [~~and~~

~~(5) Specific information related to program evaluation described in Section 6 of this administrative regulation. It shall include a continuous monitoring and evaluation plan to ensure the needs of individual learners are met].~~

Section 8. Extended School Services and the No Child Left Behind Act Supplemental Services. A local school board shall develop a policy that describes how extended school services funds and resources made available for supplemental educational services under the No Child Left Behind Act, shall be leveraged so that students who are eligible to receive both are receiving interventions that are complementary and not conflicting or repetitive.